

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NAPLES,

Defendant.

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5:04-CR-25(1)-DF

ORDER

Before the Court is Defendant's Motion for Early Termination of His Probation. Dkt. No. 136. Also before the Court is the Government's response. Dkt. No. 138. The Court held a hearing on September 22, 2006. Having considered the parties' papers, the arguments of counsel, and the relevant law, the Court finds that Defendant's motion should be **GRANTED**.

Title 18 U.S.C. § 3564(c) gives the Court authority to, "after considering the factors set forth in [18 U.S.C. §] 3553(a) to the extent that they are applicable," terminate Defendant's probation before its expiration "if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice." The Court has considered the sentencing factors in 18 U.S.C. § 3553(a), as well as the following factors used by the Probation Office: (1) stable community reintegration; (2) progressive strides toward supervision objectives and compliance with all conditions of supervision; (3) no aggravated role in the offense of conviction; (4) no history of violence; (5) no recent arrests or convictions or ongoing, uninterrupted patterns of criminal conduct; (6) no recent evidence of alcohol or drug abuse; (7) no recent psychiatric episodes; (8) no identifiable risk to the safety of any identifiable victim; and (9) no identifiable

risk to public safety.

While the Court recognizes that Defendant may have played an aggravated role in the offense, all of the other factors considered by the Court weigh in favor of terminating Defendant's probation. The Court finds that Defendant has complied with all conditions of supervised release and presents no threat to society. The Court also notes that, initially, the Government was willing to agree to a one year term of probation, but the Probation Office later recommended two years. Finally, the Court acknowledges that the grant of Defendant's motion results in termination of probation only six month before its scheduled termination on April 26, 2007.

For all of these reasons, Defendant's Motion for Early Termination of His Probation (Dkt. No. 136) is hereby **GRANTED**.

SIGNED this 3rd day of November, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE